

Wednesday, November 16, 2011 (at 11:00 o'clock A.M.).

At the request of the Chair (Mr. Donato), the members, guests and employees joined with him in reciting the pledge of allegiance to the flag.

Pledge of
allegiance.

Statement Concerning Representative Aguiar of Fall River.

A statement of Mrs. Haddad of Somerset concerning Mr. Aguiar of Fall River was spread upon the records of the House, as follows:

MR. SPEAKER: I would like to call to the attention of the House the fact that one of our colleagues, Representative Aguiar of Fall River, was unable to be present in the House Chamber for the last three roll calls taken today due to a scheduling conflict. If he had been present, he would have voted in the affirmative on roll call numbers 179, 180 and 181. His missing of roll calls today was due entirely to the reason stated.

Statement
concerning
Mr. Aguiar
of Fall River.

Statement Concerning Representative Coakley-Rivera of Springfield.

A statement of Ms. Reinstein of Revere concerning Ms. Coakley-Rivera of Springfield was spread upon the records of the House, as follows:

MR. SPEAKER: I would like to call to the attention of the House the fact that one of our colleagues, Representative Coakley-Rivera of Springfield, was absent from the House Chamber for yesterday's session and will not be present for today's session due to illness. Had she been present yesterday, she would have voted in the affirmative on the question on acceptance of conference committee reports on An Act establishing expanded gaming in the Commonwealth (House, No. 3870) [roll call number 144], and An Act providing for additional pension reform and benefits modernization (Senate, No. 2065) [roll call number 147]. She would have also voted in the affirmative on the questions on ordering to a third reading [roll call number 158] and passing to be engrossed [roll call number 163] the House Bill relative to transgender equal rights (House, No. 3810). Her missing of roll calls yesterday and today is due entirely to the reason stated.

Statement
concerning
Ms. Coakley-Rivera
of Springfield.

Resolutions.

The following resolutions (filed with the Clerk) were referred, under Rule 85, to the committee on Rules:

Resolutions (filed by Mr. Arciero of Westford) resolutions on the tenth anniversary of the founding of Temple Shir Hadash; and

Temple Shir
Hadash.

Resolutions (filed by Mr. Fernandes of Milford) congratulating John Robert Wesley on earning the Eagle Scout Award;

John Robert
Wesley.

Mr. Binienda of Worcester, for the committee on Rules, reported, in each instance, that the resolutions ought to be adopted. Under suspension of the rules, in each instance, on motion of Mr. Fallon of Malden, the resolutions (reported by the committee on Bills in the Third Reading to be correctly drawn) were considered forthwith; and they were adopted.

Report of a Committee.

Mr. Binienda of Worcester, for the committee on Rules, reported (under the provisions of House Rules 7B and 7C) an Order relative to special procedures for consideration of the Bill relative to habitual offenders, sentencing and improving law enforcement tools [House, No. 3811] (for order, see House, No. 3813).

Habitual
offenders,—
procedures.

The order was considered forthwith; and it was adopted.

Recess.

At twenty-five minutes after eleven o'clock A.M. (Wednesday, November 16), on motion of Mr. Pedone of Worcester (Mr. Donato of Medford being in the Chair), the House recessed until the twenty minutes before twelve o'clock noon; and at two minutes after twelve o'clock P.M. the House was called to order with Mr. Kafka of Stoughton in the Chair.

Recess.

Papers from the Senate.

Mrs. Haddad of Somerset being in the Chair,— The House Bill relative to the terms of collective bargaining agreements (House, No. 3789), came from the Senate passed to be engrossed, in concurrence, with amendments in section 3, in line 12, striking out the date “November 1, 2011” and inserting in place thereof the words “the effective date of this act”, and, in line 14, striking out the words “other specific matters” and inserting in place thereof the words “all other purposes”; and inserting before the enacting clause the following emergency preamble:

“Evergreen”
collective
bargaining.

“Whereas, The deferred operation of this act would tend to defeat its purpose, which is to ensure that public employers and public employees have appropriate tools to negotiate collective bargaining agreements, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.”.

Under suspension of Rule 35, on motion of Mr. Walsh of Boston, the amendments (reported by the committee on Bills in the Third Reading to be correctly drawn) were considered forthwith; and they were adopted, in concurrence.

Mr. Donato of Medford being in the Chair,—

The House Bill establishing congressional districts (printed in House, No. 3798, App. A) came from the Senate passed to be engrossed, in concurrence, with an amendment striking out all after the enacting clause and inserting in place thereof the text contained in Senate document numbered 2073.

Congressional
redistricting.

Under suspension of Rule 35, on motion of Mr. Moran of Boston, the amendment (reported by the committee on Bills in the Third Reading to be correctly drawn) was considered forthwith; and it was adopted, in concurrence.

A Bill adopting the Revised Uniform Anatomical Gift Act (Senate, No. 2067) (on Senate bill, No. 1098), passed to be engrossed by the Senate, was read; and it was referred, under Rule 33, to the committee on Ways and Means.

Anatomical
Gift Act.

A Bill relative to identification cards (Senate, No. 1718) (on a petition), passed

Identification

to be engrossed by the Senate, was read; and it was referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

cards.

Motions to Discharge Certain Matters in the Orders of the Day.

The Senate Bill amending contract procedures in the city of Boston (Senate, No. 1054), reported by the committee on Bills in the Third Reading to be correctly drawn, was read a third time, under suspension of Rule 47, on motion of Mr. Pedone of Worcester; and it was passed to be engrossed, in concurrence.

Boston,—
contract
procedures.

The Senate Bill eliminating the residency requirement for certain assistant treasurers and assistant collectors (Senate, No. 1325), reported by the committee on Bills in the Third Reading to be correctly drawn, was read a third time, under suspension of Rule 47, on motion of Mr. deMacedo of Plymouth; and it was passed to be engrossed, in concurrence.

Municipal
treasurers and
collectors,—
residency.

The Senate Bill exempting the position of chief of police in the town of Marblehead from the civil service law (Senate, No. 1929), reported by the committee on Bills in the Third Reading to be correctly drawn, was read a third time, under suspension of Rule 47, on motion of Ms. Ehrlich of Marblehead; and it was passed to be engrossed, in concurrence.

Marblehead,—
police chief.

The House Bill relative to videoconference hearings when one party is subject to a protective order or restraining order (House, No. 3143), reported by the committee on Bills in the Third Reading to be correctly drawn, was read a third time, under suspension of Rule 47, on motion of Mr. Binienda of Worcester.

Restraining
order hearings,—
videoconferences.

Pending the question on passing the bill to be engrossed, Mr. Pedone of Worcester moved to amend it by substitution of a bill with the same title (House, No. 3816), which was read.

The amendment was adopted; and the substituted bill was passed to be engrossed. Sent to the Senate for concurrence.

The House Bill relative to the land acquisition for Hamilton Crossing (House, No. 3379, changed), reported by the committee on Bills in the Third Reading to be correctly drawn, was read a third time, under suspension of the rules, on motion of Ms. Story of Amherst.

Lowell,—
land.

Pending the question on passing the bill to be engrossed, Mr. Pedone of Worcester moved to amend it by inserting before the enacting clause the following emergency preamble:

“Whereas, The deferred operation of this act would tend to defeat its purpose, which is to grant or release forthwith real property interests in Lowell Heritage state park for the renovation of bridges, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.”.

The amendment was adopted; and the bill (House, No. 3379, changed and amended) was passed to be engrossed. Sent to the Senate for concurrence.

The House Bill authorizing the town of Westford to issue 2 additional licenses for the sale of all alcoholic beverages to be drunk on the premises (House, No. 3583) (its title having been changed by the committee on Bills in the Third Reading), reported by said committee to be correctly drawn, was read a third time,

Westford,—
liquor
licenses.

under suspension of Rule 47, on motion of Mr. Arciero of Westford; and it was passed to be engrossed. Sent to the Senate for concurrence.

The House Bill relative to budget submissions to the town manager in the town of Arlington (House, No. 3652), reported by the committee on Bills in the Third Reading to be correctly drawn, was read a third time, under suspension of Rule 47, on motion of Mr. Garballey of Arlington; and it was passed to be engrossed. Sent to the Senate for concurrence.

Arlington,—
budget
submissions.

The House Bill relative to the licensing of firearms for certain persons (House, No. 3700) (its title having been changed by the committee on Bills in the Third Reading), reported by said committee to be correctly drawn, was read a third time, under suspension of Rule 47, on motion of Mr. Hunt of Sandwich; and it was passed to be engrossed. Sent to the Senate for concurrence.

Firearms,—
licensing.

The House Bill authorizing the conveyance of certain parcels of land in the city of Revere (House, No. 3783) (its title having been changed by the committee on Bills in the Third Reading), reported by said committee to be correctly drawn, was read a third time, under suspension of the rules, on motion of Ms. Reinstein of Revere; and it was passed to be engrossed. Sent to the Senate for concurrence.

Revere,—
land.

The House Bill authorizing the Massachusetts Department of Transportation to acquire certain parcels of land in the town of Amherst (House, No. 3792), reported by the committee on Bills in the Third Reading to be correctly drawn, was read a third time, under suspension of the rules, on motion of Ms. Story of Amherst.

Amherst,—
land.

Pending the question on passing the bill to be engrossed, Mr. Pedone of Worcester moved to amend it by inserting before the enacting clause the following emergency preamble:

“Whereas, The deferred operation of this act would tend to defeat its purpose, which is to authorize forthwith the Massachusetts Department of Transportation to acquire land in the town of Amherst for highway use, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.”

The amendment was adopted; and the bill (House, No. 3792, amended) was passed to be engrossed. Sent to the Senate for concurrence.

The House Bill prohibiting the use of credit in underwriting and rating private passenger motor vehicle insurance (House, No. 3795) (its title having been changed by the committee on Bills in the Third Reading), reported by said committee to be correctly drawn, was read a third time, under suspension of Rule 47, on motion of Mr. Costello of Newburyport. After debate it was passed to be engrossed. Sent to the Senate for concurrence.

Vehicle
insurance,—
underwriting.

The House Bill authorizing the release of certain land in the town of Dartmouth from the operation of an agricultural preservation restriction (House, No. 3797), reported by the committee on Bills in the Third Reading to be correctly drawn, was read a third time, under suspension of the rules, on motion of Mr. Markey of Dartmouth; and it was passed to be engrossed. Sent to the Senate for concurrence.

Dartmouth,—
agricultural
land.

The Senate Bill relative to the administrative organization of financial officers in the city of Malden (Senate, No. 1990), was read a second time, under suspension of Rule 47, on motion of Mr. Fallon of Malden; and it was ordered to a third

Malden,—
financial
officers.

reading.

The House Bill relative to private road maintenance (House, No. 578), was read a second time, under suspension of Rule 47, on motion of Mr. Turner of Dennis; and it was ordered to a third reading.

Private road maintenance.

The House Bill relative to co-operative banks (House, No. 1202), was read a second time, under suspension of Rule 47, on motion of Mr. Dempsey of Haverhill.

Co-operative banks.

The amendment previously recommended by the committee on Ways and Means,— that the bill be amended by substitution of a bill with the same title (House, No. 3806),— then was adopted; and the substituted bill was ordered to a third reading.

The House Bill relative to anti-gang injunctions (House, No. 2848), was read a second time, under suspension of Rule 47, on motion of Mr. O’Flaherty of Chelsea; and it was ordered to a third reading.

Anti-gang injunctions.

The House Bill relative to the charter of the city of Somerville (House, No. 3442), was read a second time, under suspension of Rule 47, on motion of Mr. Kane of Holyoke; and it was ordered to a third reading.

Somerville,— charter.

The House Bill to promote the successful transition of students with disabilities to post-secondary education, employment and independent living (House, No. 3720), was read a second time, under suspension of Rule 47, on motion of Ms. Peisch of Wellesley; and it was ordered to a third reading.

Students with disabilities,— transition.

Subsequently, under suspension of the rules, on further motion of the same member, the bill (having been reported by the committee on Bills in the Third Reading to be correctly drawn) was read a third time; and it was passed to be engrossed, its title having been changed by said committee to read: “An Act relative to students with disabilities in post-secondary education, employment and independent living.”. Sent to the Senate for concurrence.

Mrs. Haddad of Somerset being in the Chair,— The Senate Bill further regulating certain licenses for the sale of alcoholic beverages (Senate, No. 2033, amended), reported by the committee on Bills in the Third Reading to be correctly drawn, was read a third time, under suspension of the rules, on motion of Mr. Speliotis of Danvers.

Alcoholic beverage licenses.

After remarks on the question on passing the bill to be engrossed, in concurrence, the sense of the House was taken by yeas and nays at the request of the same member; and; and on the roll call 149 members voted in the affirmative and 5 in the negative.

Bill passed to be engrossed,— yea and nay No. 165.

[See Yea and Nay No. 165 in Supplement.]

Therefore the bill (Senate, No. 2033, amended) was passed to be engrossed, in concurrence.

Recess.

At half past one o’clock P.M. (Wednesday, November 16), on motion of Mr. Jones of North Reading (Mrs. Haddad of Somerset being in the Chair), the House recessed until a quarter after two o’clock; and at nineteen minutes before three o’clock P.M., the House was called to order with Mrs. Haddad in the Chair.

Recess.

Engrossed Bill.

The engrossed Bill relative to gender identity (see House, No. 3810) (which originated in the House), having been certified by the Clerk to be rightly and truly prepared for final passage, was put upon its final passage.

Gender
identity.

On the question on passing the bill to be enacted, the sense of the House was taken by yeas and nays at the request of Mr. Peterson of Grafton; and on the roll call 94 members voted in the affirmative and 60 in the negative.

Bill enacted,—
yea and nay
No. 166.

[See Yea and Nay No. 166 in Supplement.]

Therefore the bill was passed to be enacted. Mr. Sciortino of Medford then moved that this vote be reconsidered; the motion to reconsider was considered forthwith; and it was negative. The bill then was signed by the acting Speaker and sent to the Senate.

Reports of Committees.

Mr. Kafka of Stoughton being in the Chair,—

By Mr. Dempsey of Haverhill, for the committee on Ways and Means, that the Bill to restore collective bargaining rights for employees of the Massachusetts Bay Transportation Authority (Senate, No. 2066), ought to pass. Referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

MBTA,—
collective
bargaining.

Mr. Kafka of Stoughton, for said committee, then reported recommending that the matter be scheduled for consideration by the House.

Under suspension of Rule 7A, on motion of Mr. Dempsey of Haverhill, the bill was read a second time forthwith; and it was ordered to a third reading.

Subsequently under suspension of the rules, on motion of Mr. Pedone of Worcester, the bill (reported by the committee on Bills in the Third Reading to be correctly drawn) was read a third time, its title having been changed by said committee to read: “An Act relative to collective bargaining rights for employees of the Massachusetts Bay Transportation Authority.”

Pending the question on passing the bill to be engrossed, Mr. Pedone of Worcester moved to amend it by inserting before the enacting clause the following emergency preamble:

“Whereas, The deferred operation of this act would tend to defeat its purpose, which is to forthwith restore collective bargaining rights for employees of the Massachusetts Bay Transportation Authority, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.”

The amendment was adopted.

After debate on the question on passing the bill, as amended, to be engrossed, in concurrence, the sense of the House was taken by yeas and nays at the request of Mr. Walsh of Boston; and on the roll call 155 members voted in the affirmative and 0 in the negative.

Bill passed to
be engrossed,—
yea and nay
No. 167.

[See Yea and Nay No. 167 in Supplement.]

Therefore the bill (Senate, No. 2066, amended) was passed to be engrossed, in concurrence. Sent to the Senate for concurrence in the amendment.

By Mr. Kafka of Stoughton, for the committee on Steering, Policy and Scheduling, that the Senate Bill relative to the Sandwich Economic Initiative

Sandwich
Economic
Initiative

Corporation (Senate, No. 1928), be scheduled for consideration by the House.

Corporation.

Under suspension of Rule 7A, on motion of Mr. Hunt of Sandwich, the bill was read a second time forthwith; and it was ordered to a third reading.

Subsequently (Ms. Reinstein of Revere having been in the Chair), under suspension of the rules, on further motion of Mr. Hunt, the bill (having been reported by the committee on Bills in the Third Reading to be correctly drawn) was read a third time; and it was passed to be engrossed, in concurrence.

By Mr. Kafka of Stoughton, for the committee on Steering, Policy and Scheduling, that the Senate Bill establishing a sick leave bank for Jacqueline Enno, an employee of the Department of Developmental Services (Senate, No. 2068), be scheduled for consideration by the House.

Jacqueline Enno,—
sick leave bank.

Under suspension of Rule 7A, on motion of Mr. Kafka, the bill was read a second time forthwith; and it was ordered to a third reading.

Subsequently (Ms. Reinstein of Revere been in the Chair), under suspension of the rules, on motion of Mr. Scibak of South Hadley, the bill (having been reported by the committee on Bills in the Third Reading to be correctly drawn) was read a third time; and it was passed to be engrossed, in concurrence.

Emergency Measure.

The engrossed Bill establishing expanded gaming in the Commonwealth (see House, No. 3807), having been certified by the Clerk to be rightly and truly prepared for final passage, was considered, the question being on adopting the emergency preamble.

Expanded gaming.

Pending the question on adoption of the emergency preamble, Mr. Wagner of Chicopee moved that Rule 40 be suspended; and the motion prevailed.

Rule 40 suspended.

The same member then moved to amend the bill in section 16, in line 755, by striking out the words “and, in consultation with the commission, shall execute” and inserting in place thereof the following: “. The commission, in consultation with the colonel of the state police, shall facilitate the execution of”; in line 2505, by striking out the figure “2” and inserting in place thereof the figures “4.5”; and, in line 2536, by striking out the figure “5” and inserting in place thereof the figures “2.5”.

The amendments were adopted. Mr. Wagner then moved that this vote be reconsidered; and the motion to reconsider was negatived. The bill (see House, No. 3807, amended) then was sent to the Senate for concurrence in the amendments.

Engrossed Bills — Land Takings.

The engrossed Bill authorizing the Nantucket Islands Land Bank to dispose of certain land situated in the town of Nantucket (see House, No. 569, amended) (which originated in the House), having been certified by the Clerk to be rightly and truly prepared for final passage, was put upon its final passage.

Nantucket,—
land.

On the question on passing the bill to be enacted, the sense of the House was taken by yeas and nays (this being a bill providing for the taking of land or other easements used for conservation purposes, etc., as defined by Article XCVII of the Amendments to the Constitution); and on the roll call 155 members voted in the affirmative and 0 in the negative.

Bill enacted
(land taking),—
yea and nay
No. 168.

[See Yea and Nay No. 168 in Supplement.]

Therefore the bill was passed to be enacted; and it was signed by the acting

Speaker and sent to the Senate.

The engrossed Bill authorizing the town of Sherborn to lease certain land in Sherborn town forest for the purpose of constructing, operating and maintaining a wireless telecommunications facility (see House, No. 1841) (which originated in the House), having been certified by the Clerk to be rightly and truly prepared for final passage, was put upon its final passage.

Sherborn,—
land.

On the question on passing the bill to be enacted, the sense of the House was taken by yeas and nays (this being a bill providing for the taking of land or other easements used for conservation purposes, etc., as defined by Article XCVII of the Amendments to the Constitution); and on the roll call 155 members voted in the affirmative and 0 in the negative.

Bill enacted
(land taking),—
yea and nay
No. 169.

[See Yea and Nay No. 169 in Supplement.]

Therefore the bill was passed to be enacted; and it was signed by the acting Speaker and sent to the Senate.

Emergency Measures.

Ms. Reinstein of Revere being in the Chair,— The engrossed Bill establishing expanded gaming in the Commonwealth (see House, No. 3807, amended), having been certified by the Clerk to be rightly and truly prepared for final passage, was considered, the question being on adopting the emergency preamble.

Expanded
gaming.

A separate vote was taken, as required by the provisions of Article XLVIII (as amended by Article LXVII) of the Amendments to the Constitution; and the preamble was adopted, by a vote of 42 to 0. Sent to the Senate for concurrence.

Subsequently, the Senate having concurred in adoption of the emergency preamble, the bill (which originated in the House) was put upon its final passage

On the question on passing the bill to be enacted, the sense of the House was taken by yeas and nays at the request of Mr. Jones of North Reading; and on the roll call 124 members voted in the affirmative and 30 in the negative.

Bill enacted,—
yea and nay
No. 170.

[See Yea and Nay No. 170 in Supplement.]

Therefore the bill was passed to be enacted; and it was signed by the acting Speaker and sent to the Senate.

Subsequently a statement of Mr. Rogers of Norwood was spread upon the records as follows:

MR. SPEAKER: I would like to call to the attention of the House the fact that on the previous roll call it was my intention to vote in the negative. I now find, however, that due to some inexplicable reason I was recorded as voting in the affirmative.

Statement of
Mr. Rogers
of Norwood.

The engrossed Bill authorizing the conveyance of certain parcels of land in the city of Revere (see House, No. 3783) (which originated in the House), having been certified by the Clerk to be rightly and truly prepared for final passage, was considered, the question being on adopting the emergency preamble.

Revere,—
land
conveyance.

A separate vote was taken, as required by the provisions of Article XLVIII (as amended by Article LXVII) of the Amendments to the Constitution; and the preamble was adopted, by a vote of 50 to 0. Sent to the Senate for concurrence.

Subsequently, the Senate having concurred in adoption of the emergency preamble, the bill (which originated in the House) was put upon its final passage.

On the question on passing the bill to be enacted, the sense of the House was taken by yeas and nays (this being a bill providing for the taking of land or other

Bill enacted
(land taking),—

easements used for conservation purposes, etc., as defined by Article XCVII of the Amendments to the Constitution); and on the roll call 155 members voted in the affirmative and 0 in the negative.

yea and nay
No. 171.

[See Yea and Nay No. 171 in Supplement.]

Therefore the bill was passed to be enacted; and it was signed by the acting Speaker and sent to the Senate.

The engrossed Bill relative to the land acquisition for Hamilton Crossing (see House, No. 3379, changed and amended) (which originated in the House), having been certified by the Clerk to be rightly and truly prepared for final passage, was considered, the question being on adopting the emergency preamble.

Lowell,—
land
conveyance.

A separate vote was taken, as required by the provisions of Article XLVIII (as amended by Article LXVII) of the Amendments to the Constitution; and the preamble was adopted, by a vote of 60 to 0. Sent to the Senate for concurrence.

Subsequently, the Senate having concurred in adoption of the emergency preamble, the bill (which originated in the House) was put upon its final passage.

On the question on passing the bill to be enacted, the sense of the House was taken by yeas and nays (this being a bill providing for the taking of land or other easements used for conservation purposes, etc., as defined by Article XCVII of the Amendments to the Constitution); and on the roll call 154 members voted in the affirmative and 0 in the negative.

Bill enacted
(land taking),—
yea and nay
No. 172.

[See Yea and Nay No. 172 in Supplement.]

Therefore the bill was passed to be enacted; and it was signed by the acting Speaker and sent to the Senate.

Reports of Committees.

Mr. Dempsey of Haverhill, for the committee on Ways and Means, on a message from His Excellency the Governor (for message, see House, No. 3581), returning with his disapproval of certain sections contained in the engrossed Bill making appropriations for the fiscal year 2012 for the maintenance of the departments, boards, commissions, institutions and certain activities of the Commonwealth, for interest, sinking fund and serial bond requirements and for certain permanent improvements (see House, No. 3535), reported, in part, that section 156 stand (as passed by the General Court). Referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

General
Appropriation
Bill.

Mr. Kafka of Stoughton, for said committee reported that the matter be scheduled for consideration by the House. Under suspension of Rule 7A, on motion of Mr. Dempsey, the report was considered forthwith.

Section 156 (health safety net trust fund), which had been disapproved by the Governor, then was considered.

After remarks on the question on passing said section, notwithstanding the action of the Governor, the sense of the House was taken by yeas and nays, as required by Chapter I, Section I, Article II of the Constitution; and on the roll call 155 members voted in the affirmative and 0 in the negative.

Health safety
net trust fund
section 156
stands,—
yea and nay
No. 173.

[See Yea and Nay No. 173 in Supplement.]

Therefore section 156 passed, notwithstanding the action of the Governor (more than two-thirds of the members present and voting having voted in the affirmative). Sent to the Senate for its action.

By Mr. Walsh of Lynn, for the committee on Health Care Financing, that the

Nurse

Bill relative to enhancing the practice of nurse midwives (House, No. 2369, changed), ought to pass with an amendment substituting therefor a bill with the same title (House, No. 3815). Read; and referred, under Rule 7A, to the committee on Steering, Policy and Scheduling, with the amendment pending.

midwives.

Mr. Kafka of Stoughton, for said committee, then reported recommending that the matter be scheduled for consideration by the House.

Under suspension of Rule 7A, on motion of Ms. Khan of Newton, the bill was read a second time forthwith.

The amendment recommended by the committee on Health Care Financing was adopted; and the substituted bill was ordered to a third reading.

Subsequently, under suspension of the rules, on further motion of the same member, the bill (reported by the committee on Bills in the Third Reading to be correctly drawn) was read a third time; and it was passed to be engrossed. The bill (House, No. 3815) then was sent to the Senate for concurrence.

By Mr. Dempsey of Haverhill, for the committee on Ways and Means, that the Bill authorizing the board of commissioners of the Franklin County Regional Housing and Redevelopment Authority to offer a limited early retirement incentive (House, No. 3748), ought to pass with an amendment substituting a bill with the same title (House, No. 3812). Referred, under Rule 7A, to the committee on Steering, Policy and Scheduling, with the amendment pending.

Franklin County
Housing
Authority,—
early retirement.

Mr. Kafka of Stoughton, for said committee, then reported recommending that the matter be scheduled for consideration by the House.

Under suspension of Rule 7A, on motion of Mr. Kulik of Worthington, the bill was read a second time forthwith.

The amendment recommended by the committee on Ways and Means then was adopted; and the substituted bill was ordered to a third reading.

By Mr. Straus of Mattapoisett, for the committee on Transportation, on House, No. 1293, a Bill concerning the safety of school children embarking and disembarking school buses (House, No. 3817). Read; referred, under Rule 33, to the committee on Ways and Means.

School bus
safety.

Emergency Measures.

The engrossed Bill authorizing the Massachusetts Department of Transportation to acquire certain parcels of land in the town of Amherst (see House, No. 3792, amended) (which originated in the House), having been certified by the Clerk to be rightly and truly prepared for final passage, was considered, the question being on adopting the emergency preamble.

Amherst,—
land
conveyance.

A separate vote was taken, as required by the provisions of Article XLVIII (as amended by Article LXVII) of the Amendments to the Constitution; and the preamble was adopted, by a vote of 63 to 0. Sent to the Senate for concurrence.

Subsequently, the Senate having concurred in adoption of the emergency preamble, the bill (which originated in the House) was put upon its final passage.

On the question on passing the bill to be enacted, the sense of the House was taken by yeas and nays (this being a bill providing for the taking of land or other easements used for conservation purposes, etc., as defined by Article XCVII of the Amendments to the Constitution); and on the roll call 155 members voted in the affirmative and 0 in the negative.

Bill enacted
(land taking),—
yea and nay
No. 174.

[See Yea and Nay No. 174 in Supplement.]

Therefore the bill was passed to be enacted; and it was signed by the acting Speaker and sent to the Senate.

The engrossed Bill authorizing the release of certain land in the town of Dartmouth from the operation of an agricultural preservation restriction (see House, No. 3797) (which originated in the House), having been certified by the Clerk to be rightly and truly prepared for final passage, was considered, the question being on adopting the emergency preamble.

A separate vote was taken, as required by the provisions of Article XLVIII (as amended by Article LXVII) of the Amendments to the Constitution; and the preamble was adopted, by a vote of 61 to 0. Sent to the Senate for concurrence.

Subsequently, the Senate having concurred in adoption of the emergency preamble, the bill (which originated in the House) was put upon its final passage.

On the question on passing the bill to be enacted, the sense of the House was taken by yeas and nays (this being a bill providing for the taking of land or other easements used for conservation purposes, etc., as defined by Article XCVII of the Amendments to the Constitution); and on the roll call 155 members voted in the affirmative and 0 in the negative.

[See Yea and Nay No. 175 in Supplement.]

Therefore the bill was passed to be enacted; and it was signed by the acting Speaker and sent to the Senate.

Dartmouth,—
land
conveyance.

Bill enacted
(land taking),—
yea and nay
No. 175.

Motion to Discharge a Certain Matter in the Orders of the Day.

The House Bill relative to sentencing and improving law enforcement tools (House, No. 3811) (its title having been changed by the committee on Bills in the Third Reading), reported by said committee to be correctly drawn, was read a third time, under suspension of the rules, on motion of Mr. Pedone of Worcester.

After remarks pending the question on passing the bill to be engrossed, Mr. Hill of Ipswich moved to amend it by adding the following two sections:—

“SECTION 4. Section 133A of chapter 127, as appearing in the 2010 Official Edition, is hereby amended by inserting, after the word ‘degree’ in line 5, the following words: ‘and except prisoners serving more than 1 life sentence’.

SECTION 5. Section 24 of chapter 279, as appearing in the 2010 Official Edition, is hereby amended by inserting at the end thereof the following sentence:—

In the case of a sentence to life imprisonment, except in the case of a sentence for murder in the first degree, and except in the case of multiple life sentences, the court shall fix a minimum term which shall be not less than 20 years or more than 25 years.”.

The amendment was rejected.

The same member then moved to amend the bill by adding the following section:

“Section 4. Section 133A of chapter 127, as appearing in the 2010 Official Edition, is hereby amended by striking out, in lines 29 and 35, the words ‘a majority’, and inserting in place thereof, in each instance, the following word: ‘two-thirds.’.”

The amendment was adopted.

Mr. Hill then moved to amend the bill by adding the following section:

“SECTION 5. Section 133A of chapter 127, as appearing in the 2010 official addition, is hereby amended by inserting after the word ‘procedure’, in line 28, the

Sentencing
reform.

following words:- provided, however, that no hearing shall take place until the parole board has certified in writing that it has complied with the notification requirements of this paragraph, a copy of which shall be included in the record of such proceeding; and provided further, that this paragraph shall also apply to any parole hearing for an applicant who was convicted of a crime listed in clause (i) of subsection (b) of section 25 of chapter 279 and sentenced and committed to prison for 5 or more years for such crime and does not show that a pardon has been issued for the crime.”.

After debate the amendment was adopted.

Mr. Jones of North Reading then moved to amend the bill by adding the following section:

“SECTION 6. Notwithstanding any general or special law to the contrary, the executive office of public safety and security will provide an analysis detailing the costs of collecting DNA evidence during felony arrests. The report shall be filed with the clerks of the senate and house of representatives no later than April 1, 2012.”.

The amendment was adopted.

After remarks, at eight minutes before seven o’clock P.M. (Wednesday, November 16), Mr. Bradley of Hingham took the Chair; and, on motion of Mr. O’Flaherty of Chelsea, the House recessed until the twenty minutes after seven o’clock; and at twenty-six minutes after seven o’clock the House was called to order with Mr. Donato of Medford in the Chair.

Pending the question on passing the bill, as amended, to be engrossed, Mr. Peterson of Grafton asked for a count of the House to ascertain if a quorum was present. The Chair (Mr. Donato), having determined that a quorum was not in attendance, then directed the Sergeant-at-Arms to secure the presence of a quorum.

Subsequently a roll call was taken for the purpose of ascertaining the presence of a quorum; and on the roll call 150 members were recorded as being in attendance.

[See Yea and Nay No. 176 in Supplement.]

Therefore a quorum was present.

Emergency Measure.

There being no objection,— The Chair (Mr. Donato of Medford) interrupted the matter then pending and placed before the House the engrossed Bill relative to the improvement of Route 2, Crosby’s Corner Interchange, in the towns of Lincoln and Concord (see Senate, No. 2022, amended) (which originated in the Senate), which, having been certified by the Clerk to be rightly and truly prepared for final passage was considered, the question being on adopting the emergency preamble.

A separate vote was taken, as required by the provisions of Article XLVIII (as amended by Article LXVII) of the Amendments to the Constitution; and the preamble was adopted, by a vote of 23 to 0. Sent to the Senate for concurrence.

Subsequently, the Senate having concurred in adoption of the emergency preamble, the bill (which originated in the Senate) was put upon its final passage.

On the question on passing the bill to be enacted, the sense of the House was taken by yeas and nays (this being a bill providing for the taking of land or other easements used for conservation purposes, etc., as defined by Article XCVII of the Amendments to the Constitution); and on the roll call 155 members voted in the affirmative and 0 in the negative.

[See Yea and Nay No. 177 in Supplement.]

Recess.

Quorum.

Quorum,—
yea and nay
No. 176.

Lincoln and
Concord,—
land.

Bill enacted
(land taking),—
yea and nay
No. 177.

Therefore the bill was passed to be enacted; and it was signed by the acting Speaker and sent to the Senate.

Pending Discharged Matter from the Orders of the Day.

The House then returned to consideration of the House Bill relative to sentencing and improving law enforcement tools (House, No. 3811, amended).

Sentencing
reform.

After remarks on the question on passing the bill, as amended, to be engrossed, Mr. Dempsey of Haverhill moved to amend the it in section 1, in line 8, by striking out the word “and” and inserting in place thereof the word “or”; by inserting after section 2 the following two sections:

“SECTION 2A. Section 33E of chapter 278 of the General Laws, as so appearing, is hereby amended by striking out, in line 9, the word “mean” and inserting in place thereof the following words:- mean: (i).

SECTION 2B. Said section 33E of chapter 278 of the General Laws, as so appearing, is hereby further amended by striking out, in line 11, the word “degree” and inserting in place thereof the following words:- degree; or (ii) the third conviction of a habitual offender pursuant to subsection (b) of section 25 of chapter 279”; in section 3, in line 18, by striking out the following: “prison for a term of not less than 3 years” and inserting in place thereof the words “state prison or state correctional facility”, in line 21, by striking out the words “the state prison” and inserting in place thereof the words “state prison or state correctional facility”, in line 24, by striking out the following: “13H, 13J, and 13K” and inserting in place thereof the following: “13J, subsection (b) or (c) of section 13K”, in line 27, by striking out the figures: “17, 18,”, in line 28, by striking out the following: “subsection (e) of section 12F of”, in line 31, by striking out the words “separate incidents or involving separate victims” and inserting in place thereof the words “charges separately brought and tried, and arising out of separate and distinct incidents that occurred at different times”, in line 32, by inserting after the word “incarceration” the words “at a state prison or state correctional facility”, in lines 36 and 37 by striking out the words “be considered a habitual criminal and punished by imprisonment in the state prison for the maximum term provided by law” and inserting in place thereof the words “shall be considered a habitual offender and shall be punished by incarceration at a state prison or state correctional facility for the maximum term provided by law for said offense enumerated in clause (i)”, in lines 39 to 41, inclusive, by striking out the sentence contained in those lines and inserting in place thereof the following sentence: “A sentence imposed on a habitual offender under this section, if said habitual offender is incarcerated at a state prison or state correctional facility , shall commence upon the conclusion of the sentence, said habitual offender is serving at the time of sentencing.”, and, in line 48, by striking out the words “the state prison” and inserting in place thereof the words “state prison or state correctional facility”. The amendments were adopted.

The Speaker being in the Chair,— After debate on the question on passing the bill, as amended, to be engrossed, Mr. Peterson of Grafton asked for a count of the House to ascertain if a quorum was present. The Speaker, having determined that a quorum was not in attendance, then directed the Sergeant-at-Arms to secure the presence of a quorum.

Quorum.

Subsequently a roll call was taken for the purpose of ascertaining the presence of a quorum; and on the roll call 151 members were recorded as being in attendance.

Quorum,—
yea and nay
No. 178.

[See Yea and Nay No. 178 in Supplement.]

Therefore a quorum was present.

After further debate on the question on passing the bill, as amended, to be engrossed, the Speaker placed before the House the question on suspension of Rule 1A in order that the House might continue to meet to meet beyond the hour of nine o'clock P.M.

Suspension of
Rule 1A.

On the question on suspension of Rule 1A, the sense of the House was taken by yeas and nays, as required under the provisions of said rule; and on the roll 124 members voted in the affirmative and 29 in the negative.

Rule 1A
suspended,—
yea and nay
No. 179.

[See Yea and Nay No. 179 in Supplement.]

Therefore Rule 1A was suspended.

After further debate on the question on passing the bill, as amended, to be engrossed, the sense of the House was taken by yeas and nays at the request of Mr. O'Flaherty of Chelsea; and on the roll call 142 members voted in the affirmative and 12 in the negative.

Bill passed to
be engrossed,—
yea and nay
No. 180.

[See Yea and Nay No. 180 in Supplement.]

Therefore the bill, as amended, was passed to be engrossed.

The bill (House, No. 3818, published as amended) then was sent to the Senate for concurrence.

Emergency Measures.

The engrossed Bill relative to the terms of collective bargaining agreements (see House, No. 3789, amended), having been certified by the Clerk to be rightly and truly prepared for final passage, was considered, the question being on adopting the emergency preamble.

"Evergreen"
collective
bargaining.

A separate vote was taken, as required by the provisions of Article XLVIII (as amended by Article LXVII) of the Amendments to the Constitution; and the preamble was adopted, by a vote of 60 to 0. Sent to the Senate for concurrence.

Subsequently, the Senate having concurred in adoption of the emergency preamble, the bill (which originated in the House) was put upon its final passage

On the question on passing the bill to be enacted, the sense of the House was taken by yeas and nays at the request of Mr. Walsh of Boston; and on the roll call 151 members voted in the affirmative and 2 in the negative.

Bill enacted,—
yea and nay
No. 181.

[See Yea and Nay No. 181 in Supplement.]

[Ms. Atkins of Concord answered "Present" in response to her name.]

Therefore the bill was passed to be enacted; and it was signed by the Speaker and sent to the Senate.

Mr. Donato of Medford being in the Chair,— The engrossed Bill further regulating certain licenses for the sale of alcoholic beverages (see Senate, No. 2033, amended), having been certified by the Clerk to be rightly and truly prepared for final passage, was considered, the question being on adopting the emergency preamble.

Liquor
licenses.

A separate vote was taken, as required by the provisions of Article XLVIII (as amended by Article LXVII) of the Amendments to the Constitution; and the preamble was adopted, by a vote of 60 to 0. Sent to the Senate for concurrence.

Subsequently, the Senate having concurred in adoption of the emergency preamble, the bill (which originated in the Senate) was passed to be enacted; and it was signed by the acting Speaker and sent to the Senate.

Bill
enacted.

The engrossed Bill relative to collective bargaining rights for employees of the Massachusetts Bay Transportation Authority (see Senate, No. 2066, amended), having been certified by the Clerk to be rightly and truly prepared for final passage, was considered, the question being on adopting the emergency preamble.

MBTA,—
collective
bargaining.

A separate vote was taken, as required by the provisions of Article XLVIII (as amended by Article LXVII) of the Amendments to the Constitution; and the preamble was adopted, by a vote of 20 to 0. Sent to the Senate for concurrence.

Subsequently, the Senate having concurred in adoption of the emergency preamble, the bill (which originated in the Senate) was passed to be enacted; and it was signed by the acting Speaker and sent to the Senate.

Bill
enacted.

The engrossed Bill establishing a sick leave bank for Jacqueline Enno, an employee of the Department of Developmental Services (see Senate, No. 2068), having been certified by the Clerk to be rightly and truly prepared for final passage, was considered, the question being on adopting the emergency preamble.

Jacqueline
Enno,—
sick leave
bank.

A separate vote was taken, as required by the provisions of Article XLVIII (as amended by Article LXVII) of the Amendments to the Constitution; and the preamble was adopted, by a vote of 54 to 0. Sent to the Senate for concurrence.

Subsequently, the Senate having concurred in adoption of the emergency preamble, the bill (which originated in the Senate) was passed to be enacted; and it was signed by the acting Speaker and sent to the Senate.

Bill
enacted.

The engrossed Bill establishing congressional districts (see House bill printed in House, No. 3798, Appendix. A, amended), having been certified by the Clerk to be rightly and truly prepared for final passage, was considered, the question being on adopting the emergency preamble.

Congressional
redistricting.

A separate vote was taken, as required by the provisions of Article XLVIII (as amended by Article LXVII) of the Amendments to the Constitution; and the preamble was adopted, by a vote of 27 to 0. Sent to the Senate for concurrence.

Subsequently, the Senate having concurred in adoption of the emergency preamble, the bill (which originated in the House) was passed to be enacted; and it was signed by the acting Speaker and sent to the Senate.

Bill
enacted.

Engrossed Bills.

Engrossed bills

Amending contract procedures in the city of Boston (see Senate, No. 1054);

Relative to the Sandwich Economic Initiative Corporation (see Senate, No. 1928);

Bills
enacted.

Exempting the position of police chief in the town of Marblehead from the civil service law (see Senate, No. 1929);

(Which severally originated in the Senate); and

Prohibiting the use of credit in underwriting and rating private passenger motor vehicle insurance (see House, No. 3795) (which originated in the House);

Severally having been certified by the Clerk to be rightly and truly prepared for final passage, were passed to be enacted; and it were signed by the acting Speaker and sent to the Senate.

Order.

UNCORRECTED PROOF.

On motion of Mr. DeLeo of Winthrop,—

Ordered, That when the House adjourns today, it adjourn to meet tomorrow at eleven o'clock A.M.

Next
sitting.

Accordingly, without proceeding to consideration of the matters in the Orders of the Day, at a twenty-three minutes after nine o'clock P.M. (Wednesday, November 16), on motion of Mr. Peterson of Grafton (Mr. Donato of Medford being in the Chair), the House adjourned, to meet the following day at eleven o'clock A.M., in an Informal Session.